

# CRS Issue Brief for Congress

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## Kosovo and U.S. Policy

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## Kosovo and U.S. Policy

### SUMMARY

From February 1998 to March 1999, fighting between ethnic Albanian guerillas and Yugoslav troops killed over 2,500 ethnic Albanian civilians and the displacement of over 400,000 people. After Yugoslavia rejected a Western-sponsored peace plan for Kosovo put forward during peace talks at Rambouillet, France in February-March 1999, NATO began air strikes against Yugoslavia on March 24. The Serbs launched an intensified ethnic cleansing campaign that resulted in thousands of additional deaths and the displacement of hundreds of thousands more.

After 11 weeks of NATO bombing, Yugoslavia agreed on June 3 to a peace plan calling for the withdrawal of all Yugoslav forces from Kosovo and the deployment of an international peacekeeping force. Under the terms of U.N. Security Council Resolution 1244, Kosovo is governed by a U.N. civil administration until new elections are held for an autonomous local government. A NATO-led peacekeeping force (dubbed KFOR), is charged with providing a secure environment for the effort.

Since the beginning of the conflict in Kosovo, the Administration condemned Serbian human rights abuses in Kosovo and called for autonomy for Kosovo, while opposing independence. The Administration pushed for air strikes against Yugoslavia in March 1999, but rejected the use of ground troops to eject Yugoslav forces from Kosovo. On June 10, President Clinton hailed NATO's "victory" in Kosovo, but added that the United States and its allies still face challenges in Kosovo. U.S. officials have emphasized that Europe should provide most of the resources for the reconstruction effort. Serbia is not to receive recon-

struction aid as long as Milosevic, an indicted war criminal, remains in power.

In 1999, Congress adopted legislation reflecting ambivalence about U.S. military engagement in Kosovo. The House passed a resolution authorizing a U.S. peacekeeping deployment to Kosovo (H.Con.Res. 42, March 11, 1999). The Senate on March 23 passed S.Con.Res. 21, which authorized U.S. air strikes against Yugoslavia as part of a NATO effort. On April 28, 1999, the House approved H.R. 1569, a bill to prohibit funding for the deployment of "ground elements" of the U.S. armed forces in the FRY without prior congressional authorization.

However, Congress has provided funding for the Kosovo operations. In May 1999, the House and Senate approved H.R. 1141, a supplemental appropriations law that contained funds to pay for U.S. costs to the military and humanitarian operations in the Balkans (P.L. 106-31). The FY 2000 foreign operations appropriations bill (adopted as part of H.R. 3194, an omnibus appropriations bill, P.L. 106-113), earmarked \$150 million for aid to Kosovo. On March 29, 2000, the House approved H.R. 3908, a \$9.1 billion FY2000 supplemental appropriations bill. The bill provided the full \$2.025 billion requested by the President for DoD peacekeeping costs in Kosovo, but only \$246.7 million of the \$624.5 million requested for U.S. aid and diplomatic efforts in the Balkans. During the debate on the bill, many Members expressed concerns that European countries were not providing their fair share of police and financial assistance for Kosovo. In May 2000, both the House and Senate considered additional burden-sharing provisions in legislation.



## MOST RECENT DEVELOPMENTS

*On May 18, the Senate approved S. 2521, the FY2001 military construction appropriations bill by a vote of 96-4. The bill provides over \$1.8 billion in FY 2000 supplemental funding for DoD peacekeeping costs in Kosovo. By a vote of 53-47, the Senate voted to delete Section 2410 of the bill. The section would have cut off funding for the deployment of U.S. ground troops in Kosovo after July 1, 2001, unless the President requested and Congress approved a joint resolution specifically authorizing the deployment. The President would have been required to submit a plan for an all-European force for Kosovo to be put in place by July 1, 2001. It would have required regular, detailed reports from the President on U.S. troop levels and costs in Kosovo, as well on the contributions by European countries. Finally, it would have withheld 25% of the FY 2000 supplemental funding unless the President certified that the Europeans have obligated 33% of reconstruction aid they have pledged for 1999-2000, 75% of humanitarian aid pledged, 75% of pledges to UNMIK's budget, and supplied 75% of international police pledged for Kosovo. If the President did not provide this certification by July 15, 2000, then funding could have only been used to withdraw U.S. ground troops from Kosovo unless Congress adopted a joint resolution permitting their continued deployment.*

*On May 18, the House approved by a vote of 264-153 an amendment to H.R. 4205, the FY 2001 defense authorization bill, which prohibits funding for the continued deployment of U.S. ground troops in Kosovo unless the President certifies by April 1, 2001 that European countries have obligated 50% of reconstruction aid they have pledged for 1999-2000, 85% of their humanitarian aid pledges, 85% of their pledges to UNMIK's budget, and supplied 90% of international police they have pledged for Kosovo.*

*On May 9, the Senate Appropriations Committee approved S. 2522, a FY 2001 foreign operations appropriations bill. The bill provides a total of \$635 million in aid to central and eastern Europe in the Support for East European Democracy (SEED) account. The bill does not contain an earmark for Kosovo, but before the funds for Kosovo can be released, the Secretary of State must certify that the U.S. obligated and expended funds do not exceed 15% of the total pledged by all donors. It excludes funding for "large-scale infrastructure reconstruction" and requires that 50% of U.S. Kosovo aid be provided through non-governmental organizations.*

## BACKGROUND AND ANALYSIS

### War in Kosovo: February 1998-June 1999

From February 1998 until March 1999, conflict between the ethnic Albanian Kosovo Liberation Army and Serb forces (as well as Serb attacks on ethnic Albanian civilians) drove over 400,000 people from their homes,

#### Kosovo At a Glance

**Area:** 10,849 sq. km., or slightly smaller than Connecticut

**Population:** 1.956 million (1991 Yugoslav census)

**Ethnic Composition:** 82.2% Albanian; 9.9% Serbian. Smaller groups include Muslims, Roma, Montenegrins, Turks and others. (1991 Yugoslav census)

according to the U.N. High Commissioner for Refugees. More than 2,500 ethnic Albanian died, according to the Committee for the Protection of Human Rights and Freedoms, an ethnic Albanian human rights group. In early March 1999, the Serbian Media Center in Kosovo said that 115 Serbian policemen died in the conflict in 1998. It said that ethnic Albanian guerillas killed 284 civilians in 1998, both Serb and non-Serb supporters of the government. (For historical background to the conflict in Kosovo and a brief suggested reading list, see CRS Report RS20213, *Kosovo: Historical Background to the Current Conflict*.)

Faced with the possibility of a humanitarian disaster during the winter if fighting did not stop, NATO's North Atlantic Council issued on October 12, 1998 an "activation order" for NATO forces to conduct air strikes on Serb forces in Kosovo and elsewhere. The strikes were averted when, on the same day, Yugoslav President Milosevic made a series of commitments to U.S. envoy Richard Holbrooke, including a cease-fire, a reduction of troop levels in Kosovo, the stationing of an OSCE "verification mission" of up to 2,000 unarmed persons and a NATO aerial verification mission.

The agreement began to fray soon after it went into effect. The increasing deterioration of the situation on the ground, punctuated by the January 15 Serb massacre of ethnic Albanian civilians at the Kosovar village of Racak, led the international Contact Group (United States, Britain, France, Germany, Italy and Russia) to agree on January 29, 1999 on a draft peace plan for Kosovo. They invited the two sides to Rambouillet, near Paris, to start peace talks based on the plan on February 6. As an inducement to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, after consulting with NATO members, if the Serb side did not agree to attend the Rambouillet talks. In an effort to press the KLA to the negotiating table, NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for 3-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement. (The text of the plan can be found at [[http://www.state.gov/www/regions/eur/ksvo\\_rambouillet\\_text.html](http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html)].) On March 18, the ethnic Albanian delegation to the peace talks signed the plan, but the Yugoslav delegation rejected it.

NATO began air strikes on the Federal Republic of Yugoslavia on March 24, 1999. Yugoslav forces moved rapidly to expel most of Kosovo's ethnic Albanians from their homes, many of which were looted and burned. By June 1999, the total number of Kosovars driven out of the province since February 1998 was over 988,000, according to the U.N. High Commissioner for Refugees (UNHCR). Hundreds of thousands of others were displaced within Kosovo. A December 1999 State Department report estimated the total number of refugees and displaced persons at over 1.5 million, over 90% of Kosovo's ethnic Albanian population. The report says that Yugoslav forces killed about 10,000 ethnic Albanians, and tortured and raped others. After eleven weeks of increasingly intense air strikes that inflicted damage on Yugoslavia's infrastructure and its armed forces, President Milosevic agreed on June 3 to a peace plan brought to Belgrade by EU representative and Finnish President Martti Ahtisaari and Russian Balkans envoy Viktor Chernomyrdin. The plan was based on NATO demands and a proposal from the Group of Eight countries (the United States, Britain, France, Germany, Italy, Canada, Russia and Japan). It called for the withdrawal of all Yugoslav forces from Kosovo; the deployment of an international peacekeeping force with

NATO at its core; and international administration of Kosovo until elected interim institutions are set up, under which Kosovo will enjoy wide-ranging autonomy within Serbia. Negotiations would be opened on Kosovo's final status.

On June 9, NATO and Yugoslav military officers reached agreement on a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. The withdrawal began the next day, and NATO suspended its air strikes. On June 10, the U.N. Security Council approved UNSC Resolution 1244, based on the Ahtisaari-Chernomyrdin plan and the G-8 principles. KFOR began to enter Kosovo on June 11. The Yugoslav pullout was completed on schedule on June 20. On June 20, the KLA and NATO signed a document on the demilitarization of the KLA. (For chronologies of the conflict in Kosovo, see *Kosovo Conflict Chronology: January-August 1998*, CRS Report 98-752 F; *Kosovo Conflict Chronology: September, 1998—March, 1999*, CRS Report RL30127; and the daily Kosovo Situation Reports collections for April (CRS Report RL30137), May (CRS Report RL30156), and June (CRS Report RL30191), 1999.)

## **Current Situation in Kosovo**

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR there, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, over 240,000 ethnic Serbs and other ethnic minorities living in Kosovo have left the province, according to UNHCR. International officials estimate the number of Serbs living in Kosovo at up to 100,000. Many of the Serbs remaining in the province live in northern Kosovo in or near the town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians. Since the pullout of Yugoslav forces, hundreds of ethnic Serbs and Roma have been kidnaped or killed, and there have been many reports of looting and burning of houses of Serb refugees. A November 1999 report by the Organization for Security and Cooperation in Europe (OSCE) on human rights violations in Kosovo said that many witness statements testify to ex-KLA involvement. However, as the OSCE report notes, ethnic cleansing by ex-KLA fighters may not be the only factor at work. Ethnic Albanians have also been victims of murder, robbery, kidnaping and other crimes. Analysts believe that criminal groups, including some from Albania, have taken advantage of the slow deployment of international police and the lack of a fully-functioning judicial system.

## **Political Situation**

A key question for Kosovo's future is what role will be played by former KLA fighters. The Kosovo peace settlement, as laid out in U.N. Security Council Resolution 1244, calls for the demilitarization of the KLA. On June 20, 1999, KLA leader Hashim Thaci signed a demilitarization document that had been worked out with KFOR. The KLA was demilitarized on September 20, 1999, and formally ceased to exist. On the same day, KFOR, U.N. officials, and the KLA signed an agreement on the formation of a Kosovo Protection Corps (KPC). The mission of the KPC is to assist in reconstruction efforts, search and rescue operations, and cope with civil emergencies. It has 5,000 men in uniform, including two thousand reservists. Two thousand rifles and pistols have been set aside for the force. KPC

troops are permitted to carry 200 of them at a time, for use in defending their bases. The rest are under KFOR control. Although it is supposed to be multi-ethnic, apolitical and non-military, many observers say a key political purpose of the force is to defuse possible resistance to the KLA's demilitarization by providing ex-KLA fighters and commanders with jobs and a quasi-military structure. While U.N. and KFOR officials stress the civilian nature of the KPF, KPF leaders continue to view the KPF as a way to preserve the KLA as a *de facto* army. KFOR and U.N. officials also face problems from former KLA fighters who choose not to cooperate with the international community. International officials believe large amounts of undeclared weapons remain in the hands of ex-KLA troops (as well as others), and that some ex-KLA troops and leaders may have formed armed groups and/or criminal gangs.

During the war, Thaci formed a provisional ethnic Albanian government for Kosovo, with other ethnic Albanian parties, but not with moderate leader Ibrahim Rugova's party, the Democratic League of Kosovo (LDK). The LDK has its own government, headed by Bujar Bukoshi. The credibility and popularity of the LDK appeared to wane sharply during the war, in part due to Rugova's passive stance during the conflict and the KLA's role in fighting the Serbs. However, after the withdrawal of Yugoslav troops from the province, the KLA moved to fill the power vacuum, appointing "officials" at various levels, seizing control of businesses and other property, extorting "taxes," and threatening and assaulting potential political opponents, including LDK officials. Press reports say that this conduct continues, despite the reputed dissolution of the KLA-led government after the formation of a joint U.N. administration in January. The perceived arrogance of the KLA may have hurt its popularity and boosted that of the "more civilized" LDK. Thaci and other ex-KLA leaders have formed a political party, called the Party for Democratic Progress of Kosovo (PDPK). Press reports say a Gallup poll commissioned by NATO in February 2000 showed that only 13% of those polled favored the PDPK, while 45% favored the LDK. Thaci's party has been further weakened in recent months by defections of ex-KLA commanders to form their own parties in the run-up to local elections that are planned for October 2000. Observers fear that, as elsewhere in the Balkans, voters could be intimidated by local warlords intent on holding on to their power and property they have seized.

Since June 1999, Kosovo has been ruled by the U.N. Mission in Kosovo, headed by Bernard Kouchner. In January 2000, a new Joint Interim Administrative Structure (JIAS) was established to increase local participation in the government. It includes an Interim Administrative Council (comprising three Kosovo Albanian leaders, one Kosovo Serb leader, and four UNMIK members), and 19 administrative departments, each of which is also supposed to have representatives of local groups. Kouchner retains legislative and executive authority in Kosovo but shares provisional administrative management of the province with this structure. As its name implies, the interim administration is a transitional step toward a fully-fledged Kosovo government to be chosen in future elections.

Kosovo Serb leaders are divided on how to best defend the interests of their community. Anti-Milosevic Serbs have formed a Serbian National Council in the town of Gracanica in central Kosovo. Serbs in the town of Mitrovica, in northern Kosovo near the border with Serbia, have formed their own group. Both groups charge that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence. They claim the establishment of the Kosovo Protection Force and now the joint administration are stepping-stones to an independent Kosovo, which they oppose. On April 11, the Gracanica group



decided to join the U.N. joint administration, feeling that cooperation with the international community was the best way to secure the interests of Serbs in Kosovo. Mitrovica Serb leaders attacked the move. They have often pursued a more confrontational approach with the international community. Violence between Serbs and Albanians in Mitrovica in February 2000 led to deaths on both sides and the expulsion of hundreds of ethnic Albanians living in the northern sector of the town, as well as injuries to French and other KFOR peacekeepers. Some observers have charged that the Mitrovica Serb leadership has worked with Milosevic regime to orchestrate the violence, with the goal of embarrassing KFOR, establishing control of Kosovo's Serb community, and perhaps effecting a de facto partition of the province. Whether or not this is true, most agree that the Milosevic regime retains considerable influence among Serbs in Kosovo, not least by threatening to withhold pensions and other government payments to Serbs who cooperate with the international community. Both Kosovo Serb groups have put forward plans to repatriate Serb refugees to Kosovo, and demand that the international community assist them with these efforts.

In early 2000, ethnic Albanian guerillas began to step up attacks on Serbian police units in the Presevo valley inside Serbia, near Kosovo's eastern border. The population of the area, encompassing the towns of Medveda, Bujanovac and Presevo, is about 80% ethnic Albanian. The guerillas, who reportedly number in the low hundreds, seek to join the region to Kosovo. Serbian police forces have engaged in intimidation of ethnic Albanians in the area, burning homes and arresting young men. Concerned that the guerrilla attacks and the Serb response could trigger a conflict that could pull in KFOR, Western leaders have warned ethnic Albanian leaders that they would lose international support if the guerilla group continued its activities. On March 15, U.S. troops in eastern Kosovo raided command posts and arms depots and arrested nine members of the militia in an effort to prevent further cross-border raids into southern Serbia. On March 24, 2000, the guerilla group, known as the "Liberation Army of Presevo, Medvedja and Bujanovac," issued a declaration pledging to give up armed conflict and work toward a political solution to the region's problems. However, press reports say the group still continues to operate.

## **International Response**

U.N. Security Council Resolution 1244 (June 10, 1999) forms the basis of the international role in Kosovo. It calls for the deployment of an "international security presence" in Kosovo with "an essential NATO participation" under "a unified command and control." The mission of the security presence is to ensure that Yugoslav forces are withdrawn from Kosovo; that the cease-fire is maintained; and that the KLA is demilitarized. It is charged with "establishing a secure environment" for the return of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. KFOR is to oversee the return of "hundreds, not thousands" of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a "presence" at Serb historical monuments and "key border crossings."

U.N. Security Council Resolution 1244 gives the United Nations the chief role in administering Kosovo on a provisional basis until new elections for interim autonomous institutions are held. These duties include administration of the province; maintaining law and order, including by setting up an international police force and creating local police forces; supporting humanitarian aid efforts; returning refugees to their homes; protecting human

rights; supporting the reconstruction effort; preparing the way for elections; and facilitating talks on Kosovo's final status. The resolution provides for an interim period of autonomy for Kosovo for an undefined length of time, while negotiations on the final status of the province take place. It expresses support for the FRY's territorial integrity. U.N. officials have said that the goal is to achieve peaceful coexistence among the province's ethnic groups, rather than an integrated, multi-ethnic society.

On July 2, U.N. Secretary General Kofi Annan appointed Bernard Kouchner, formerly France's Health Minister, as Special Representative to oversee the U.N. Interim Administration Mission in Kosovo (UNMIK). Jock Covey of the United States serves as Principal Deputy Special Representative. Four deputies serve under them, responsible for civil administration, humanitarian aid, democratic institution-building, and reconstruction. The U.N. has the lead role in the first two tasks, while the OSCE is in charge of institution-building, and the European Union leads the reconstruction effort. On July 28, the U.N. General Assembly approved \$200 million to fund the UNMIK. In November, Secretary-General Annan proposed a \$456 million budget for UNMIK for one year until June 2000. Expressing concern about the recent unrest along Kosovo eastern border with Serbia, Annan blamed the Albanians for the armed provocations. Before the Security Council on March 6, Kouchner appealed for more resources and institutional direction for Kosovo's autonomous structure. A Security Council delegation visited Kosovo in late April 2000.

## **KFOR**

According to DoD sources, in April 2000 KFOR had about 39,000 troops in Kosovo and an additional 6,540 support troops in Macedonia, Greece and Albania. There were 5,900 U.S. troops in Kosovo, 450 in Macedonia, and 10 in Greece. The United States controls one of five KFOR sectors in Kosovo. According to April 2000 KFOR figures, other leading contributors are Italy (6,496), Germany (4,700) France (4,700) and Britain (3,000). Each has its own sector in Kosovo. Other participating countries serve under commanders from these countries. The U.S. sector contains troops from Russia, Poland, Greece, Ukraine, the United Arab Emirates and Lithuania. Russia has about 3,600 troops in KFOR, but does not have its own sector. KFOR's overall command is held by Spanish General Juan Ortuno. The U.S. sector is commanded by Brig. Gen. Craig Peterson.

KFOR's mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA demilitarization agreement. KFOR is also charged with establishing and maintaining a secure environment in Kosovo, including maintaining public safety and order until UNMIK can take over this responsibility more fully. KFOR has also provided support to UNMIK and non-government organizations for reconstruction and humanitarian projects. KFOR has successfully overseen the pullout of Yugoslav troops from Kosovo and the implementation of the KLA demilitarization agreement. However, KFOR has not been entirely successful in maintaining order in Kosovo, including in stopping attacks against Serbs and other minorities. KFOR troops, including U.S. soldiers, have been fired on or assaulted in numerous incidents. Scores of KFOR soldiers have been injured and two Russian KFOR peacekeepers have been shot and killed. One U.S. soldier has died as result of possible hostile action, when his vehicle struck a mine.

KFOR's difficulties in dealing with violence in Mitrovica in February 2000 exposed some problems with the force. One problem identified by SACEUR Gen. Wesley Clark and then

KFOR commander Gen. Reinhardt was that some European countries had “hollowed-out” their contingents, quietly withdrawing troops for domestic reasons. KFOR’s full strength, achieved a few weeks after its initial deployment in June 1999, had been 50,000. Press reports noted that Britain and France in particular had reduced their forces. In March 2000, Gen. Clark requested additional troops. France and Italy said that they would dispatch an additional battalion each, for a total of about 1,000 soldiers. Poland also said it will add 600 troops.

Another problem raised by Gen. Clark and Gen. Reinhardt is the restrictions placed by governments on the use of their forces in order to keep them away from potentially dangerous areas (such as Mitrovica) or duties (such as house-to-house searches). Some countries have since relaxed these restrictions, but after an attack on U.S. troops by a rock-throwing mob in Mitrovica on February 20, DoD barred the use of U.S. troops outside of its own sector except in case of extraordinary emergencies. Pentagon officials justified the move by saying that such deployments would detract from U.S. efforts in its own sector and underwrite Europe’s failure to provide sufficient troops for their sectors. However, some observers claim that Administration officials are also concerned with avoiding possible U.S. casualties in an election year. A long-standing complaint of U.S. officials (as well as of UNMIK chief Kouchner and other officials) is the failure of European countries to fulfill their commitments to supply enough police for Kosovo, which has saddled KFOR with the lion’s share of the policing duties. (For more on the NATO and U.S. military role in the Kosovo crisis, see CRS Issue Brief IB10027, *Kosovo: U.S. and Allied Military Operations*. For more on KFOR, see KFOR’s website at [<http://www.kforonline.com>].

## Civil Administration

The international civil administration component of UNMIK comprises three offices: a police commissioner, a civil affairs office, and a judicial affairs office. Tom Koenigs of Germany is Deputy Special Representative in charge of this component. On July 25, Special Representative Kouchner issued a regulation on the legislative and executive authority of UNMIK. Subsequent regulations have, among other things, established a new customs service, legalized the use of foreign currencies while designating the Deutsche Mark the commonly used currency in Kosovo, authorized mail and phone service in Kosovo, and established small-scale lending services. UNMIK oversees administration of public funds in Kosovo, including payments of salaries and pensions. (For more on UNMIK’s activities, see UNMIK’s web site at [<http://www.un.org/peace/kosovo/pages/kosovo1.htm>])

Initial delays in establishing a full U.N. presence in Kosovo caused some concerns among some observers, as the KLA moved in quickly to take over public administration functions and positions in the absence of U.N. administrators. U.N. officials have said that the KLA’s assumption of some civil authority was not necessarily a negative development, although they emphasize that UNMIK remains the ultimate authority for civil administration.

On July 16, Special Representative Kouchner chaired the first meeting of the Kosovo Transitional Council (KTC), a broadly representative consultative body under UNMIK that includes ethnic Serb representatives. The Transitional Council meets on a weekly basis, and was recently expanded from 12 to 34 members. On April 12, 2000, three ethnic Serb representatives returned to the KTC as observers, after a six-month boycott. On December 15, Kouchner signed an accord with three leading Albanian representatives on establishing

a new Joint Interim Administrative Structure (JIAS). The structure includes an Interim Administrative Council and 19 administrative departments. The Council is supposed to comprise three Albanian members, one Serb, and four UNMIK representatives. A Serb member joined the Council for the first time on April 11. The Council is co-chaired by UNMIK Deputy Representative Covey and a rotating co-President, and meets about twice a week. Several administrative department heads have been named. In response to the violent situation in Mitrovica since early February, the Council approved a plan to redeploy 300 UNMIK police and to appoint international judges to strengthen the judicial system. On February 18, the Council banned public demonstrations in Mitrovica for security reasons. In March, UNMIK established "confidence zones" in Mitrovica to serve as a buffer between the divided parts of the city.

A key component of civil administration is the establishment of law and order in the province. To this end, international and local civil police forces have been created and new judicial bodies established. Under its original mandate, the UNMIK police force comprised a civilian unit, or regular police (1,800), a special police unit for crowd control (1,150), and an international border unit (205). In October, U.N. Secretary-General Annan proposed a 1,600 increase in the authorized strength of the UNMIK police, bringing the total to about 4,800. Dr. Kouchner and U.S. officials have frequently complained about the slow deployment of UNMIK police from U.N. member states. By early May 2000, a total of about 3,200 international police personnel had been deployed to Kosovo. In February 2000, the United States pledged to increase its police contingent from 400 to 550, eventually to reach 680. Several EU members pledged to fulfill or increase their police contributions. Sven Frederiksen of Denmark is commissioner of the international police force. UN police officers mainly conduct patrols alongside KFOR units; the UNMIK civilian police is supposed to eventually take over policing duties from KFOR. UN police have assumed full policing authority in the Pristina and Prizren regions. In the divided city of Mitrovica, UNMIK police have supported KFOR's search for illegal weapons. The UNMIK police also work with the new Kosovo Police Service (KPS) comprised of local recruits (see section on institution-building, below). It is envisaged that the KPS will eventually take over law and order functions from UNMIK. In addition, UNMIK has recruited for the newly-formed civilian Kosovo Protection Corps, intended for emergency and humanitarian situations rather than for providing law and order.

On June 30 in Pristina, the U.N. Representative swore in a multi-ethnic panel of nine judges (five Albanians, three Serbs, and one Turk). The new panel has begun to review cases against the over 200 persons being detained by KFOR for criminal activity. It operates under a modified version of Yugoslavia's criminal code. On December 13, Kouchner said he would appoint an additional 400 judges and prosecutors. In addition, he said that a new penal code would be developed for Kosovo. In late January 2000, more than 300 new judges were sworn in throughout the province.

## **Institution-Building**

The Organization for Security and Cooperation in Europe (OSCE) was designated the lead agency for institution-building in Kosovo. The OSCE named and the Secretary-General appointed Daan Everts of the Netherlands to be Deputy Special Representative for institution-building. The Task of institution-building is comprised of four components: training in justice, police, and public administration (in cooperation with the Council of Europe); human

rights monitoring (in cooperation with the U.N. High Commissioner on Human Rights); democratization and governance; and, organizing and supervising elections. The Special Representative is to appoint an Ombudsperson to oversee complaints of human rights violations. Over 2,000 international and local OSCE staff comprise the mission in twenty-one field offices.

Recruitment for the training academy of the Kosovo Police Service (KPS) has been a major priority for the mission. On August 21, the KPS police academy opened in Vucitrn and the first training session of about 200 recruits opened in September. Most of the recruits have been ethnic Albanian, many of whom were formerly members of the KLA. The fourth class of over 200 recruits finished training on May 20, 2000. Thus far nearly 1,000 officers have taken the training course. The KPS is eventually to number about 3,500. OSCE is also overseeing the development of democratic media in Kosovo. A Media Advisory Board comprised of Albanian and Serb experts was created in August. The OSCE established Radio Television Kosovo (RTK) as an independent public broadcaster. Over 50 television and radio license applications have been submitted to the OSCE. Civil and voter registration, in preparation for municipal elections planned for late 2000, began on April 28, 2000, and is to be completed in June. The Central Election Commission met for the first time on April 18 to establish rules of procedure for the election. With regard to human rights, OSCE personnel regularly monitor the human rights situation throughout the province. Human rights reviews have condemned the continuation of ethnic violence against non-Albanian minorities in Kosovo. In February 2000, the OSCE reported no improvement in the situation for Kosovo minorities. On December 6, the OSCE released two reports on the human rights situation in Kosovo before and after June 1999. It identified the lack of law enforcement as the major impediment to improving the current human rights situation in Kosovo. (For more on the OSCE mission in Kosovo, see [<http://www.osce.org/kosovo>].)

## **Humanitarian Aid and Refugee Returns**

The U.N. Secretary-General named Dennis McNamara of New Zealand to be Deputy Special Representative in charge of refugee returns and humanitarian assistance in UNMIK. UNHCR has established offices in seven Kosovo towns. The humanitarian component also oversees mine action activities in support of humanitarian relief. In late July, UNHCR estimated that about 54 percent of homes surveyed had been severely or completely destroyed. UNHCR's housing efforts focused on providing temporary shelter for 50,000 homes that had been destroyed and material assistance to repair and winterize homes for the 800,000 returned refugees. International food aid continued to be delivered throughout the winter. In March 2000, Secretary-General Annan stated that the humanitarian affairs component of the UNMIK mission would be phased out by mid-2000, and focus on the transition from humanitarian to development assistance.

The vast majority, about 830,000, of ethnic Albanian refugees in countries neighboring Kosovo returned to Kosovo in the immediate weeks after NATO's confirmation of the Serb force withdrawal. UNHCR began the first organized returns of refugees from Macedonia on June 29, from Albania on July 1, and from Montenegro on July 7. An estimated 25,000 Albanian, Serb, and Roma refugees remain in neighboring countries and several thousand more remain in more remote countries. U.N. officials have appealed to European countries not to force Kosovar refugees in their countries to return, but to allow for a gradual and orderly return process.

As ethnic Albanian refugees have returned, large numbers of ethnic Serbs and Roma (Gypsies) living in Kosovo have left the province for Serbia and Montenegro. In spite of appeals by international, Yugoslav, as well as Kosovar officials for the local Serb population to remain in Kosovo, the outflow has grown. UNHCR estimates that Serbia and Montenegro currently host about 240,000 displaced persons (mainly Serbs and Roma) from Kosovo; of these, about 130,000 arrived from Kosovo since the end of the NATO air strikes in June 1999. Up to 100,000 Serbs still reside in Kosovo. On April 16, *The Washington Post* reported on U.S. plans to return about 700 ethnic Serbs to a northern Kosovo village in a pilot program of refugee returns. UNHCR officials have opposed proposals to repatriate large numbers of Serb refugees back to Kosovo, citing security concerns.

At the July 28 donors' conference in Brussels (see below), participating countries pledged more than \$2 billion in humanitarian and reconstruction aid to Kosovo. Of this amount, about \$245 million was designated for emergency humanitarian needs. In July, UNHCR issued a revised 1999 consolidated inter-agency appeal for southeastern Europe for \$434 million, of which about \$290 million would go for Kosovo-related programs. The U.S. government has provided a total of over \$533 million in humanitarian aid in response to the Kosovo crisis since March 1998. (For more on the refugee and humanitarian situation in Kosovo, see [[http://www.info.usaid.gov/hum\\_response/ofda/situation.html](http://www.info.usaid.gov/hum_response/ofda/situation.html)].)

## **Reconstruction**

As noted above, the U.N. plan for Kosovo envisions that the European Union will play the leading role in coordinating the reconstruction effort. Joly Dixon of Great Britain will serve as Special Representative Kouchner's deputy on reconstruction issues. A High Level Steering Group oversees the reconstruction effort. The group, composed of the EU, the World Bank, the G-7 finance ministers, and representatives of leading international organizations, is chaired by the EU and World Bank. The EU and World Bank have set up a European Agency for Reconstruction to oversee reconstruction efforts. It is located in Thessaloniki, Greece, with an "operations center" in Pristina.

On July 28, an international donors conference was held in Brussels to discuss Kosovo's humanitarian and immediate reconstruction needs, and to secure funding pledges. The EU said that \$2.167 billion was pledged at the conference. The EU estimates that \$1.411 billion of the total is humanitarian aid, and \$756.3 million is reconstruction and other urgent program funding, although the distinction between the two categories can be somewhat hazy. Of the \$2.167 billion, the European Union and its member states pledged \$1,138.7 billion and the United States \$556.6 million. Japan pledged \$160 million, and other countries pledged a total of \$214 million. The World Bank pledged \$60 million.

A follow-on conference was held on November 17 to deal with long-term reconstruction projects. The EU and the World Bank estimated that Kosovo will need about \$2.3 billion over the next 4-5 years, of which about \$1.1 billion will be needed for 1999-2000. Total pledges at the conference amounted to \$1.056 billion. Of this total, \$759.3 million was pledged by the EU and EU member states. The United States pledged \$156.6 million, and was the largest single country donor.

Under the auspices of the Stability Pact for Southeastern Europe, international donors held a conference on March 29-30, 2000 to pledge aid for regional reconstruction projects.

About \$2.4 billion was pledged for regional infrastructure and other projects. The United States pledged \$80.56 million. (For more on the Kosovo reconstruction effort, see the joint EU-World Bank site at [<http://www.seerecon.org>] and CRS Report RL30453, *Kosovo: Reconstruction and Development Assistance*. For more on the Stability Pact, see the Stability Pact web site at [<http://www.stabilitypact.org>].)

## **War Crimes**

On May 27, 1999, the International Criminal Tribunal for the Former Yugoslavia (ICTY) announced the indictment of Yugoslav President Slobodan Milosevic, Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Yugoslav Army Chief of Staff Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic for war crimes and crimes against humanity committed by Yugoslav and Serbian forces in Kosovo between January and May 1999. These include the expulsion of approximately 740,000 ethnic Albanians from their homes and the murder of 340 persons named in the indictment. The indictments were the first issued by the Tribunal relating to the Kosovo conflict. Press reports say that the Tribunal also has a list of secret Kosovo indictments. Since the withdrawal of Yugoslav forces from Kosovo, Tribunal investigators, as well as over 300 experts from 14 countries (including from the FBI), have collected evidence at mass graves sites where ethnic Albanian civilians were murdered. In September 1999, Tribunal prosecutor Carla del Ponte said the main focus of the ICTY's efforts will be the investigation and prosecution of Milosevic and the other current indictees. In October, an ICTY spokesman said that it was "clear" that the charges against present indictees would be expanded to cover the events of 1998. She said new charges, such as genocide, would be brought against them, and that other high-level figures responsible for crimes in Kosovo would be indicted.

On November 12, 1999, Del Ponte told the U.N. Security Council that 195 of the 529 identified grave sites in Kosovo have been exhumed before exhumations were halted for the winter. She said the ICTY hoped to finish exhumations in 2000. She said 2,108 bodies have been found in those sites, out of a total of 4,256 reported to be buried there. She stressed that the number found did not necessarily represent the actual total number of bodies at those sites, since there was evidence that some sites had been tampered with. She said that the ICTY had reports of a total of 11,334 bodies buried in all mass grave sites in Kosovo. The ICTY resumed exhumations in April 2000. (For more on the activities of the ICTY, see the ICTY website at [<http://www.un.org/icty/index.html>].)

## **U.S. Policy**

Since the beginning of the conflict in Kosovo, the Administration condemned Serbian human rights abuses in Kosovo and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Administration said that the U.S. troops would participate in a Kosovo peace-keeping force, if a peace agreement were reached. On February 13, President Clinton said that the United States would be ready to commit 4,000 troops to a peacekeeping force of about 30,000. On June 2, the President revised this estimate to 7,000 U.S. troops in a larger force

of about 50,000, after NATO determined more troops would be needed to restore order in post-conflict Kosovo.

In a nationally televised address on June 10, 1999, President Clinton hailed the withdrawal of Yugoslav forces from Kosovo and the end of NATO air strikes as a “victory.” He added the United States and its allies still face challenges in Kosovo. These include ensuring that Yugoslavia completes the pullout of its troops from the province (which has since been completed); the refugees return; the KLA demilitarizes; and the setting up of a UN civil administration to rule the province until autonomous local institutions can be put in place. He said as these institutions take hold, NATO will be able to draw down its forces. However, he warned that these efforts will be “dangerous,” and U.S. troops in KFOR could suffer casualties. He said that the United States and the European Union must work together to rebuild Kosovo and the region, but that “Europe must provide most of the resources” for the effort. He said that Serbia would not receive reconstruction aid as long as Milosevic remained in power. (For a discussion of possible U.S. policy lessons learned from the Kosovo air campaign, see Kosovo: Lessons Learned from Operation Allied Force, CRS Report RL30374.)

In a September 30 speech, National Security Advisor Sandy Berger outlined the goals of the United States and the international community in Kosovo. He said that KFOR must secure a secure environment throughout the province; that all displaced persons must be able to return to their homes, including, “over time,” Serbs who have left; that sufficient humanitarian aid must be provided to help people in Kosovo rebuild their lives; that the U.N. establish an effective transitional civil administration; that the people of Kosovo establish self-government and a democratic society where minority rights are respected; and that Kosovo’s ultimate status be decided peacefully. Berger hailed the progress so far in meeting these goals. Berger stressed that an enduring peace in the Balkans is “impossible” without the removal of Milosevic from power. He said that while Kosovo “should never be ruled by Milosevic or his ilk,” the United States does not support independence for Kosovo. However, he stressed that it would be a mistake to try to force a resolution of the issue of Kosovo’s status now, and that Kosovo’s future status will be determined with the participation of its residents and the international community. (Recent U.S. policy statements on Kosovo can be found at [<http://usinfo.state.gov/regional/eur/balkans/>])

President Clinton made his first visit to Kosovo on November 23. He pledged continued U.S. and international support for Kosovo but urged the Albanian community to “win the peace” and to try to forgive the Serb population. Secretary of State Albright and National Security Advisor Berger, who accompanied President Clinton to Kosovo, said that the international community had made good progress in bringing normality to Kosovo, including improving the humanitarian situation and reducing the level of violence in the province, but admitted that much work needed to be done.

According to the Department of Defense Comptroller’s Office, DoD incremental costs for Kosovo for FY 1999 were \$3.0 billion. This figure includes \$1.78 billion for the NATO air war, \$1.05 billion for KFOR, \$124.6 million in refugee aid, \$34.6 million for the OSCE observer mission before the war, and \$20.3 million for the pre-war aerial verification mission. DoD incremental costs for Kosovo in FY 2000 through the end of November 2000 were \$202.1 million. The estimate for the whole of FY 2000 is about \$2 billion.



In testimony before the House International Relations Committee on April 11, 2000, James Pardew, a senior State Department official responsible for Kosovo policy, said that the United States had allocated \$6.384 billion for Kosovo for FY 1999 and FY 2000, including both military and civilian spending. Of this total, \$5.157 is for military costs and \$1.27 billion for civilian implementation costs (which include humanitarian aid, reconstruction aid and U.N. and OSCE peacekeeping costs). He said that the United States had allocated about 13.9% of the amount provided by all countries for Kosovo's reconstruction and about 20% of humanitarian aid. He said the United States is paying 25% of U.N. peacekeeping costs in Kosovo and between 10-16% of OSCE costs. He also noted that the United States provides 13% of the troops in KFOR. He expressed the Administration's opposition to mandating a cap on the U.S. contribution to Kosovo aid at 15% of the total contributed by all countries. In May, several top U.S. officials, including Defense Secretary Cohen and Secretary of State Albright, strongly urged Congress to reject pending legislative proposals to mandate a termination date or conditions for the deployment of U.S. military forces in Kosovo. Cohen warned of a presidential veto of the Senate bill. Presumptive Republican presidential candidate George W. Bush also criticized the Kosovo amendments.

## **Congressional Response**

The 106<sup>th</sup> Congress has considered legislation that reflected some ambivalence about U.S. policy and U.S. military operations in Yugoslavia. On March 11, 1999, the House of Representatives approved H.Con.Res. 42 by a vote of 219 to 191. The non-binding resolution authorized the deployment of U.S. troops to Kosovo as part of a NATO-led force that would implement a peace agreement. The resolution calls for Administration to provide reports on various aspects of the deployment. On March 23, the Senate passed S.Con.Res. 21, which authorized U.S. air strikes against Yugoslavia as part of a NATO effort, by a vote of 58-41. On March 24, the House passed H.Res. 130 by a vote of 424-1. The resolution expressed support for the U.S. troops engaged in military operations in Yugoslavia. The Senate passed a similar resolution on the same day (S.Res. 74).

After the beginning of the NATO air strikes on March 24, Members introduced legislation on a variety of U.S. policy issues. One issue related to Congressional authorization for U.S. military action against Yugoslavia. On April 12, Representative Tom Campbell introduced H.J.Res. 44, a declaration of war against the Federal Republic of Yugoslavia. On the same day, he introduced H.Con.Res. 82, which invokes the War Powers Resolution and directs the President to remove U.S. forces from the NATO operation within 30 days of the passage of the resolution. Representative Campbell said that the purpose of the two apparently contradictory resolutions was to force Congress to stand up for the principle that "Congress and only Congress can declare war." On April 28, the House approved H.R. 1569 by a vote of 249 to 180. The bill would prohibit funding for the deployment of "ground elements" of the U.S. armed forces in the FRY without prior congressional authorization. The House then rejected H.Con.Res. 82 by a vote of 290 to 139. The House also voted down H.J.Res. 44, by a vote of 427-2. Finally, the House rejected S.Con.Res. 21, which authorized NATO air strikes against the FRY, by a tie vote of 213-213. The Senate had passed S.Con.Res. 21 on March 23. On April 20, Senator McCain introduced S.J.Res. 20. The resolution authorizes the President "to use all necessary force and other means, in concert with United States allies" to achieve U.S. and NATO objectives in the FRY. On May 3, the Senate voted to table S.J.Res. 20, by a vote of 78-22.

In April 1999, President Clinton sent to Congress a FY1999 supplemental funding request for Kosovo. Republican leaders added Kosovo-related funding to H.R. 1141, a bill already in conference that provides supplemental appropriations for Central American disaster relief and other purposes. The House and Senate approved the conference report in May which provided \$14.9 billion for U.S. military and humanitarian operations in the Balkans, military readiness, and other purposes. The President signed it into law on May 21 (P.L. 106-31).

On the FY2000 defense authorization bill (S. 1059 and H.R. 2401), both Houses considered several proposals to restrict or condition spending for military operations in the FRY. The conference version of the bill requires the Secretary of Defense to submit a detailed report to the congressional defense committees by January 31, 2000, on the conduct of the NATO air war against the FRY and associated relief efforts. The bill includes a sense-of-the-Congress provision calling for the vigorous prosecution of war crimes committed in the FRY. It also includes a provision that says the President shall transmit to Congress a supplemental appropriations request to Congress for Kosovo combat or peacekeeping operations if he determines it is in the national security interests of the United States.

On June 8, the Senate passed S. 1122, the FY2000 Defense Appropriations bill, by a vote of 94-4. Section 8150 of the bill bars funds from “this or any other Act...for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).” This provision was included in the conference version of the bill, H.R. 2561, which passed the House on October 13, and the Senate on October 14.

The FY2000 foreign operations appropriations bill was adopted as part of H.R. 3194, an omnibus appropriations bill. It was passed by the House on November 18 and by the Senate on November 19. It was signed by the President on November 29 (P.L. 106-113). The bill earmarks \$150 million for aid to Kosovo. Before the funds for Kosovo can be released, the Secretary of State must certify that the U.S. contribution to future Kosovo donors conferences shall not exceed 15% of the total pledged by all donors. It also excludes funding for “large-scale infrastructure reconstruction.” The bill bars funding from the bill for assistance to Serbia, except for democratization funding.

On March 9, 2000, the House Appropriations Committee approved H.R. 3908, a \$9.1 billion FY2000 supplemental appropriations bill. The bill includes funds for a variety of purposes, including Kosovo peacekeeping, aid to the Balkans, and counter-narcotics efforts in Colombia. The committee provided the full \$2.025 billion requested by the President for DoD peacekeeping costs in Kosovo. However, the committee provided only \$246.7 million of the \$624.5 million requested by the Administration for U.S. aid and diplomatic efforts in the Balkans. In its report on the bill, the committee said it was “extremely concerned” that European countries have not contributed their fair share of the funding in Kosovo. The committee therefore rejected most of the administration’s request of \$92.8 million in additional aid for Kosovo, providing only \$12.4 million in funding for American police in Kosovo. The House approved the bill on March 29 by a vote of 263-146. The House rejected, by a vote of 219-200, an amendment offered by Representative Kasich that would have withheld 50% of the funds appropriated for U.S. military operations in Kosovo until the President certifies that European countries have obligated 33% of reconstruction aid they have pledged for 1999-2000, 75% of humanitarian aid pledged, 75% of pledges to UNMIK’s

budget, and supplied 75% of international police pledged for Kosovo. The House also rejected, by a vote of 367-45, an amendment by Representative Paul that would have prohibited the use of the funds in the bill for operations in Kosovo.

The bill has not received floor consideration in the Senate. Senate Majority Leader Trent Lott said that he wanted the funding be dealt with in the regular FY2001 appropriations process. (For more on the bill, see CRS Report RL30457, *Supplemental Appropriations for FY2000: Plan Colombia, Kosovo, Foreign Debt Relief, Home Energy Assistance, and Other Initiatives*.)

On May 18, the Senate approved S. 2521, the FY2001 military construction appropriations bill by a vote of 96-4. The bill provides over \$1.8 billion in FY 2000 supplemental funding for DoD peacekeeping costs in Kosovo. By a vote of 53-47, the Senate voted to delete Section 2410 of the bill. The section would have cut off funding for the deployment of U.S. ground troops in Kosovo after July 1, 2001, unless the President requested and Congress approved a joint resolution specifically authorizing the deployment. The President would have been required to submit a plan for an all-European force for Kosovo to be put in place by July 1, 2001. It would have required regular, detailed reports from the President on U.S. troop levels and costs in Kosovo, as well on the contributions by European countries. Finally, it would have withheld 25% of the FY 2000 supplemental funding unless the President certified that the Europeans have obligated 33% of reconstruction aid they have pledged for 1999-2000, 75% of humanitarian aid pledged, 75% of pledges to UNMIK's budget, and supplied 75% of international police pledged for Kosovo. If the President did not provide this certification by July 15, 2000, then funding could have only been used to withdraw U.S. ground troops from Kosovo unless Congress adopted a joint resolution permitting their continued deployment.

On May 18, the House approved by a vote of 264-153 an amendment to H.R. 4205, the FY 2001 defense authorization bill, which prohibits funding for the continued deployment of U.S. ground troops in Kosovo unless the President certifies by April 1, 2001 that European countries have obligated 50% of reconstruction aid they have pledged for 1999-2000, 85% of their humanitarian aid pledges, 85% of their pledges to UNMIK's budget, and supplied 90% of international police they have pledged for Kosovo.

On May 9, the Senate Appropriations Committee approved S. 2522, a FY 2001 foreign operations appropriations bill. The bill provides a total of \$635 million in aid to central and eastern Europe in the Support for East European Democracy (SEED) account. The bill does not contain an earmark for Kosovo, but before the funds for Kosovo can be released, the Secretary of State must certify that the U.S. obligated and expended funds do not exceed 15% of the total pledged by all donors. It excludes funding for "large-scale infrastructure reconstruction" and requires that 50% of U.S. Kosovo aid be provided through non-governmental organizations.

